

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DEILY VERAS,

Petitioner,

v.

LAMINE D' DIAYE,

Respondent.

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Civ. No. 21-11051 (NLH)

MEMORANDUM & ORDER

APPEARANCE:

Deily Veras
16372089
Fort Dix Federal Correctional Institution
P.O. Box 2000
Joint Base MDL, NJ 08640

Petitioner pro se

HILLMAN, District Judge

Pro se Petitioner Deily Veras has filed a petition for writ of habeas corpus under 28 U.S.C. § 2241. See ECF No 1. Pursuant to Rule 4 of the Rules Governing Section 2254 Cases, applicable to § 2241 cases through Rule 1(b) of the Rules Governing Section 2254 Cases, this Court is required to dismiss any claims that clearly would not entitle Petitioner to relief. This Court finds dismissal without an answer is not warranted upon conducting that screening.

THEREFORE, IT IS on this 12th day of May, 2021,

ORDERED that the Clerk shall serve a copy of the Petition, ECF No. 1, and this order upon Respondent by regular mail, with all costs of service advanced by the United States; and it is further

ORDERED that the Clerk shall forward a copy of the habeas petition and this order to the Chief, Civil Division, United States Attorney's Office, at the following email address: USANJ-HabeasCases@usdoj.gov; and it is further

ORDERED that where the habeas petition appears to be beyond the jurisdiction of the Court, within thirty (30) days of the date this order is filed, Respondent may file a motion to dismiss the petition on jurisdiction grounds only; and it is further

ORDERED that if a motion to dismiss is filed, Petitioner shall have thirty (30) days to file an opposition brief, in which Petitioner may argue any bases for jurisdiction, and to which Petitioner may attach any relevant exhibits; and it is further

ORDERED that if Petitioner files an opposition, Respondent shall have fourteen (14) days to file a reply brief; and it is further

ORDERED that if the motion to dismiss is subsequently denied, the Court will then direct Respondent to file a full and complete answer; and it is further

ORDERED that if Respondent does not file a motion to dismiss the petition, Respondent shall file a full and complete answer to the habeas petition's allegations within thirty (30) days of the entry of this order; and it is further

ORDERED that Respondent shall file and serve with the answer certified copies of all documents necessary to resolve Petitioner's claims and affirmative defenses, including but not limited to copies of any administrative remedies filed by Petitioner relevant to the asserted claims; and it is further

ORDERED that within thirty (30) days of receipt of the answer, Petitioner may file a reply to the answer; and it is further

ORDERED that any request to deviate from this order to answer shall be made by motion; and it is further

ORDERED that within seven (7) days of Petitioner's release, be it parole or otherwise, Respondent shall electronically file a written notice of the same with the Clerk; and it is finally

ORDERED that the Clerk shall send a copy of this order to Petitioner by regular mail.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.